

REMARKS

The Office Action attempts to apply Levin (5,724,580), Otvos (6,576,471) and Krauss (5,925,229) and portions of the Background of the Invention on page 1 of the specification to claim 38. Applicant has further amended claim 38 to recite a data base of at least 900 patients.

Support for at least 900 patients is found on page 14, line 10 of the specification.

Levin U.S. Patent 5,724,580

As acknowledged in the Office Action Levin does not disclose a data base with LDL subclasses and HDL subclasses. Levin does not recognize the LDL subclass and HDL subclass analysis can identify patients that have apparently normal LDL and HDL total value, which the whole point of the invention. Applicants data base achieve this important health care advancement which was not known to exist in the prior art. The claims are amended to at least 900 patients to ensure a sufficient patient sampling. Such a data base does not exist in the art and the results derived from such a data base are not obvious because it could not be determined if such a result even exists until applicant collected and analyzed the data base.

Otvos U.S. Patent 6,576,471

Otvos describes determining some HDL and LDL subclasses by NMR. The limitation of NMR are described in the Shewmake Declaration in the Response of December 27, 2004. Thus NMR is not capable of accurately determining key subclasses such as HDL 2b. Otvos does not recognize the possibility of identifying patients with normal LDL and HDL who need treatment and the NMR technique and is incapable of doing so.

Krauss U.S. Patent 5,925,229

Krauss only describes the use of segmented gel electrophoresis to determine some LDL subclasses and does not describe the separation of HDL subclass . Krauss does not describe a

data base of LDL subclasses or HDL subclasses. Krauss does not describe HDL subclasses present in the data base of the claimed health care management system.

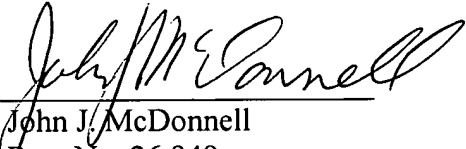
There is no suggestion to combine Levin, Otvos and Krauss to provide a healthcare management system for identifying patients who do not have hyperlipidense based on that LDL cholesterol and total HDL cholesterol, but are in need of treatment. Applicant's remarks are equally applicable to claims 22-28.

With regard to applicant's statements in the Background of the Invention. The relationships of subclasses of LDL and HDL particles are not believed to go beyond those disclosed in Levin, Otvos and Krauss discussed above.

Allowance of claims 22-28 and 38 (amended) and passage of the case to issue are solicited.

Respectfully submitted,

By: _____


John J. McDonnell
Reg. No. 26,949

McDonnell Boehnen
Hulbert & Berghoff LLP
300 S. Wacker Drive
Chicago, IL 60606